



PATENT  
Attorney Docket No. 5725.0895-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Sue FENG et al. ) Prior Group Art Unit: 1615  
Application No.: 10/699,780 ) Prior Examiner: VENKAT, J.  
Continuation Filed: November 4, 2003 ) Confirmation No.: 5902  
For: METHODS OF PROVIDING )  
INTENSE COLOR TO COSMETIC )  
COMPOSITIONS USING AT )  
LEAST ONE HETEROPOLYMER )  
(as amended) )

**MAIL STOP RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents on the attached listing. This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and co-pending U.S. Patent Applications which are available in the Image File Wrapper System.

Applicants respectfully requests that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

**I. Co-Pending Applications**

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form.

**II. Litigation Documents**

Further to the Notification of Pending Litigation filed July 23, 2004, Applicants submit a copy of L'Oreal's Complaint for Patent Infringement, dated April 7, 2004, and Estee Lauder's Answer and Counterclaims, dated May 27, 2004, submitted in the ongoing litigation *L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al.*, Civil Action No. 04-1660 (D.N.J.). These documents are enclosed with this IDS and are listed on the IDS Form PTO/SB/08.

**III. Non-English Language References**

With respect to the non-English language documents, Applicants submit the following remarks:

1. JP 9/263516 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. JP 10/001444 - An abstract of the disclosure of this document can be found in the English language esp@cenet abstract submitted herewith.
3. JP 2000/154112 A - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
4. JP 2000/503305 - The document is believed to be related to U.S. Patent No. 6,007,796, which is listed herewith.
5. JP 2002/539220 - An abstract of the disclosure of this document can be found in the English language esp@cenet abstract submitted herewith. The document is also believed to be related to U.S. Patent No. 6,830,610 B1, which is listed herewith.
6. JP 45/41318 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. JP 48/38861 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
8. JP 49/75740 - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
9. JP 52/007067 - An abstract of the disclosure of this document can be found in the English language esp@cenet abstract submitted herewith.
10. JP 64/90110 - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**IV. Conclusion**

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

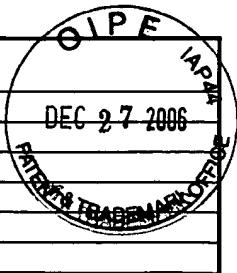
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 27, 2006

By:   
Courtney B. Meeker

Reg. No. 56,821



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	4	Attorney Docket Number	05725.0895-02000
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**Complete if Known**

Application Number	10/413,217
Filing Date	November 4, 2003
First Named Inventor	Mohamed KANJI et al.
Art Unit	1617
Examiner Name	J. Venkat

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		3,324,041	6/1/1967	Sommer Harry J et al.	
		5,436,006	7/25/1995	Hirose et al.	
		6,007,796	12/28/1999	Menzel et al.	
		6,010,541	1/4/2000	de la Mettrie et al.	
		6,042,815	3/28/2000	Kellner et al.	
		6,203,780 B1	3/20/2001	Arnaud et al.	
		6,410,003	6/25/2002	Bhatia et al.	
		6,830,610 B1	12/14/2004	Bruchert et al.	
		6,979,469	12/27/2005	Ferrari et al.	
		US 2003/0129211	7/10/2002	Livoreil et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		JP 09/263516	10/7/1997			Abstract
		JP 10/001444	1/6/1998			Abstract
		JP 2000/0154112	6/6/2000			Abstract
		JP 2000/503305	3/21/2000			Related English Document
		JP 2002/539220	11/19/2002			Abstract
		JP 45-41318	12/24/1970			Abstract
		JP 48-38861	11/20/1973			Abstract
		JP 49-75740	7/22/1974			Abstract
		JP 52-007067	2/26/1977			Abstract
		JP 64-90110	4/6/1989			Abstract

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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of

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Co-Pending Application No. 11/312,338, Attorney Docket No. 05725.1538 Title: COMPOSITION AND PROCESS FOR COATING KERATIN FIBERS U.S. Filing Date December 21, 2005	
		Co-Pending Application No. 11/351,309, Attorney Docket No. 5725.1020-01 Title: COSMETIC COMPOSITION CONTAINING A POLYMER AND A FLUORO OIL U.S. Filing February 10, 2006	
		Co-Pending Application No. 11/406,371; Attorney Docket No. 06028.0130-00 Title: COSMETIC COMPOSITION COMPRISING SILICA PARTICLES, REFLECTING PARTICLES, AND AT LEAST ONE POLYMER, PREPARATIVE PROCESS, AND USES THEREOF U.S. Filing Date: April 19, 2006	
		English language Abstract from Patent Abstracts of Japan for JP 2000/0154112	
		English language Derwent abstract for JP 09/263516	
		English language Derwent abstract for JP 45-41318	
		English language Derwent abstract for JP 48-38861	
		English language Derwent abstract for JP 49-75740	
		English language Derwent abstract for JP 64-90110	
		English language esp@cenet abstract for JP 10/001444	
		English language esp@cenet abstract for JP 2002/539220 (WO0055264)	
		English language esp@cenet abstract for JP 52/007067	
		Estee Lauder's Answer and Counterclaims, dated May 27, 2004, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		L'Oreal's Complaint for Patent Infringement, dated April 7, 2004, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00) dated January 30, 2006 (Ex. Nutter)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated July 27, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated February 8, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00) dated January 11, 2006 (Ex. Yoon)	

Examiner Signature	Date Considered
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Sheet	3	of	4	<b>Complete if Known</b>
				<i>Application Number</i> 10/413,217
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				<i>Art Unit</i> 1617
				<i>Examiner Name</i> J. Venkat
				<i>Attorney Docket Number</i> 05725.0895-02000

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832) dated November 23, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated November 17, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/129,377 (Attorney Docket No. 05725.0819-01) dated January 13, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/129,377 (Attorney Docket No. 05725.0819-01) dated October 10, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01) dated November 25, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01), dated May 17, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated December 5, 2005 (Ex. Dameron Jones)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated June 1, 2006 (Ex. Dameron Jones)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00) dated April 6, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00) dated September 25, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/459,636 (Attorney Docket No. 05725.1336-00), dated August 31, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated September 25, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated February 17, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated November 3, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/990,475 (Attorney Docket No. 05725.1004-01) dated May 1, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/990,475 (Attorney Docket No. 05725.1004-01) dated November 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 11/212,811 Attorney Docket No. 05725.0816-03) dated August 24, 2006 (Ex. Venkat)	

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		Office Action in co-pending Application No. 11/212,811 Attorney Docket No. 05725.0816-03) dated November 17, 2005 (Ex. Venkat)		
		Richard J. Lewis, Sr., "Fatty Acid," Hawley's Condensed Chemical Dictionary 487 (13th ed., 1997)		

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